

PHILLIP A. TALBERT
United States Attorney
MICHAEL G. TIERNEY
ARIN C. HEINZ
Assistant United States Attorneys
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 559-4000
Facsimile: (559) 559-4099

Attorneys for the
United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES BARRETT,

Defendant.

CASE NO. 1:22-cr-00213-JAM-BAM

**AMENDED SECOND ORDER RE
STIPULATION REGARDING
TRANSCRIPTS (ECF No. 285)**

COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, Arin C. Heinz and Michael G. Tierney, and defendant, by and through counsel for defendant, Mr. Donald B. Marks, agree as follows:

1. Mr. Donald B. Marks has requested multiple transcripts of proceedings held in this case, pursuant to Mr. Barrett's pending appeal. Dkt. 272, 273, 274. The parties hereby request that any transcripts posted to the public docket refer to the victims by their initials rather than their full names. This request is made pursuant to the victims' wishes in the interest of protecting their privacy.

2. In addition, on February 12, 2024, day 6 of the trial, in camera (sealed) proceedings were held. An 11-page sealed transcript of the proceedings exists. The proceeding was sealed as required under Federal Rule of Evidence (FRE) 412. FRE 412(c) provides "unless the court orders otherwise, the motion, related materials, and the record of the hearing must be and remain

sealed.”

3. In the interest of complying with FRE 412, the parties request that the Court allow the sealed transcript to be produced to the government and appellate defense counsel for the limited purpose of Mr. Barrett’s pending appeal. In light of the sensitive information discussed during these sealed hearings, the parties further agree to the following protections for the transcript:

4. The sealed transcript will not be posted to the public docket. However, the government and appellate defense counsel will be provided with the transcript of the sealed in camera proceeding that occurred on February 12, 2024.

5. Both parties will store the transcript in a secure place and will use reasonable care to ensure that it is not disclosed to third parties in violation of this agreement.

6. Defense Counsel shall be responsible for advising the Defendant, employees, and other members of the defense team, and defense witnesses of the contents of this Stipulation and Order.

7. Defense Counsel will not provide Mr. Barrett with a copy of the sealed transcript but can discuss the contents of the hearing with Mr. Barrett to prepare for the pending appeal.

Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

DATED: July 30, 2024

By: /s/ ARIN C. HEINZ
Arin C. Heinz
Michael G. Tierney
Assistant United States Attorneys

Dated: July 30, 2024

By: /s/ DONALD B. MARKS
DONALD B. MARKS
Attorney for Charles Barrett

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES BARRETT,

Defendant.

CASE NO. 1:22-cr-00213-JAM-BAM

**AMENDED SECOND ORDER
REGARDING TRANSCRIPTS**

COURT: Hon. John A. Mendez

The Court has reviewed and considered the stipulation of the parties that was filed on July 30, 2024.

IT IS HEREBY ORDERED that any transcripts posted on the public docket refer to the victims in this case by their initials rather than their full names to protect their privacy.

IT IS FURTHER ORDERED that the government and appellate defense counsel be provided a copy of the 11-page sealed transcript for the in camera hearing held on **February 07, 2024, Day 3**¹. The transcript will **REMAIN SEALED** from the public. The protections stipulated by the parties are hereby ordered pursuant to FRE 412.

IT IS SO ORDERED.

Dated: August 16, 2024

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE

¹ The parties' stipulation, and subsequently the Order, erroneously referred to February 12, 2024, day 6, instead of February 07, 2024, Day 3 of the trial. Day 6 is a jury note.